

1887-014 Chancery Causes: William Goins vs. J. R. Ely &c
Lee Co.

Wygal

CA-Contract Dispute
T-Property

To the Honorable John A. Kelly, Judge
of the Circuit Court of said County:

Your orator, the undersigned of the
said County humbly complaining
would respectfully represent unto
your Honor: That in October 1884
he sold for two hundred and
fifteen dollars to one J. R. Ely, a
certain house and lot lying and be-
ing said County about three miles
west of Jonesville and known
as fork Jackson, and in payment
whereof said J. R. Ely paid your
orator one hundred and fifteen
dollars down, and ~~do not~~: on the 4th
day of Oct. 1884 executed his note
or bond bearing interest from
date and sealed with his seal
and payable 12 months after
date to wit: on the 4th day of
Oct. 1885 for one hundred dol-
lars, of which bond the said
J. R. Ely doth fail, refuse and
neglect to pay to your orator. As
a part of this bill said bond of
\$100 is here filed and marked
"A". And your orator would further
represent unto your Honor that
he conveyed by deed said house

Said note was given to him or his agent as that
the same could not be found but an affidavit
showing the amount of said note the date of its ex-
ecution, time it became due and its value is
here given in stead of said note marked "A"

and lot reserving his vendors lien
to said J. R. Ely, and that he has
been informed and had repre-
sented unto him that said J. R.
Ely has sold said house and
lot to one Newton Mygal.

Now as your orator is un-
edilred in a court of law, and
can only maintain and enforce
his right in this cause in
a court of chancery, he rever-
ently and humbly prays your
Honor to take cognizance of
his cause, and compel the said
~~J. R. Ely~~ J. R. Ely to specifically perform
his contract, to enforce his ven-
dors lien and to make J. R. Ely
and Newton Mygal parties de-
fendants to this bill of complaint
and that they each be required to
answer the several allegations
contained herein upon their oaths
as fully and particularly as if
each had been individually and
specifically interrogated thereon;
and particularly that that the said
J. R. Ely be required to say whether
two hundred and fifty dollars
was not the purchase price of

said land; whether said Ely did
not pay your orator one hun-
dred and fifteen dollars down;
whether or not there is not
yet remaining unpaid upon
the purchase price of said land
one hundred dollars with legal
interest thereon from the 4th
day of October, 1884; and whether
or not your orator did not
convey said land to said Ely
reserving his vendors lien. And
your orator further prays such
other and further and general
relief as may be adapted to the
nature of his cause and agree-
ble to equity and good conscience.
May process issue &c. And your
orator ever prays &c.

Duncan & Cunningham
P.L.

Wm Gains D. & P.
vs. & Bill in Chan

J. R. Ely et al

5.42 to Mar. 1886
1.00
5.00
21.42
20.00 ✓
26.42

1885 Octo, Bill Filed & Pa Expd
+ D. nisi Nov. Decree

" nisi Conf, Decr Cont'd

1886 Jan'y, & Feb'y Cont'd

" March Cause set for hearing

" March Term Decree for
sale & Cont'd.

" Aug Decree & Cont'd

1887 Nov Continued

Nov. Cont'd.

Aug Decree final

28.28

John Goins

vs

J. R. Ely et al

} In chancery

This cause ^{came on} on this day to be heard upon the papers formerly read in the cause and was argued by counsel. And for reasons appearing to the court the said cause is stricken from the docket.

Spullain

vs 4 Deem fine

J.R. Ly et al

Entered page 45
CO Book No 3,
J.H. Hyattlee

enter this

H.K.M.

Aug 30th 1887

Wm. G. Jones
vs
J. R. Ely et al } In Chancery

This cause came on again this day to be heard upon the papers formerly read in this cause and the report of W. H. Pennington who was appointed a special Commissioner to sell the lands in the bill mentioned, and said report being filed more than ten days before the this term of the court and there being no exceptions made to said report, and was argued by counsel; On consideration of which it is ordered, adjudged and decreed that said sale and report be confirmed, and this cause is continued.

Hull Coins

75. 1/2 Anders

J. R. Ely et al

Entered on page
5-37.

Enter this

In A. K.

Aug 24th 1886

Plaintiff vs. Defendant

vs.

J.R. Ely et al (Def)

In Cham.

This cause came on
this day to be heard upon the bill
of the complainant, the exhibits
and was argued by counsel, and it
appearing ~~to the~~ that process has
been duly served upon each of
the defendants for more than
30 days before the 1st day of this
term of the court and that they
~~defendants~~ have failed to ap-
pear, answer, demur or plead,
the bill is taken for confessed;
On consideration of which it is
adjudged, ordered and decreed
that the plaintiff recover against
the defendants the sum of One
Hundred dollars with legal
interest thereon from the 4th
day of Oct 1884 ~~the~~ paid, and
the costs of this suit; and un-
less the ^{said J.R. Ely} ~~defendants~~ or some one
for ~~them~~ ^{him} pay said sum of money, in-
terest and costs within 30 days
from the rising of this court then
E.W. Pennington who is appointed a
special Commissioner for the purpose

do proceed to sell said ~~lands~~ and lot
in the bill mentioned upon a credit six
twelve ~~and eighteen~~ months to the highest
bidder, except a sum sufficient to
pay costs of this suit and commission
of sale which he will require to be paid
down, and for the residue of payments
he will require bonds with good security
bearing interest from date; and when these
bonds are due he shall collect them
and pay over first the amount due the
Complainant and the residue to the
parties Defendants; But before selling he
shall advertise the time, terms and place
of sale by posting written notices in 3
public places in said County, one of which
shall be on the court house door, another
in the neighborhood where the land lies
And he will before executing this decree give
bond before the clerk of this court in a penalty
of two hundred dollars to faithfully account
for all sums collected by him, he will report this
action to this court, and the same is continued.

John Gains

vs. J. E. Green

J. R. Ely et al

Entered for sale

309

J. J. G. Hyatt et al

John Morgan
Purchaser

Enter this

for sale

March 27/85

Wm. L. G. Jones

vs

John R. Ely et al

} In chancery

The undersigned appointed a special commissioner in the above styled cause. Says leave to report that pursuant to a decree entered in the said cause at the March term of said Honors circuit court 1885- upon the 18th day of May that being court day offered the house and lot in the vice of said cause for sale and Newton Hygal who was one of the plaintiffs in said cause became the purchaser at \$150⁰⁰. He then executed his ^{two} notes on a credit of six & twelve months with Sebastian Hygal as his surety for \$58.38⁺ each to said commissioner. He paid said commissioner the Commission of sale, and \$1⁰⁰ which was paid to S. H. Twining Deputy Sheriff as his costs, and the clerk agreed that Mr. N. Hygal should settle with him for his costs and tax. Your commission is

of the opinion that the notes
have sufficient security, and as
the sale is sufficient amount
to pay the plaintiff his debt
interest and costs he thinks
the sale should be confirmed
Aug 19th 1886

Respectfully Submitted

E. W. Pennington

Court

June 1st 1886

Mr. Jones

Report of

73 } Commission

John R. Wyatt

Aug 12 1886

J. A. G. Wyatt
cc

Know all men by these presents that we E. W. Pennington and C. S. Duncan are held and firmly bound unto the Commonwealth of Virginia in the first and full sum of Two Hundred Dollars, for the prompt payment thereof unto the said Cometh, we each bind ourselves heirs & assigns as to this bond hereby waiving our Homestead Exemptions, witness our hands and seals this 5th day of April 1886.

The Condition of the above obligation is such that whereas the above bound E. W. Pennington was appointed a Special Comr, in the Chancery Cause now pending in Lee Circuit Court of Wm Goins vs Jas. R. Ely et al, at the March Term 1886, and by a decree entered therein directed to make sale of a house & lot of land mentioned in said bill.

Now Therefore should the said E. W. Pennington promptly & justly perform the duties assigned him and account for all

sums of money which he may
receive as such Court then this
obligation to be void otherwise
to remain in full force.

E. W. Huntington Seal

C. T. Remond, Seal

Wm. Gains
vs
Bonds
Jas. R. Ely et al

Filed Apr. 3rd 1886

J. A. Wynter

Recd of E. W. Pennington one
dollar my costs in the case
of Wm. Guino vs. John R Ely et al
this May 18/86.

S. H. Guiny D^r

of May 1886, during which time
I will be at my office in the town
of Jonesville Va. to receive such
evidence

The Commonwealth of Virginia,

To the Sheriff of Lee County--Greeting:

WE COMMAND YOU to summon

J. R. Ely and Newton

Mygal

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the first Monday in
October next, being Rule Day, to answer a Bill in Chancery exhibited in our Court against
them, by

William Goins

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said Court, at the Court House,
this *6th* day of *October*, 188*5*, in the *10* year of the Commonwealth.

J. A. G. Hyatt, Clerk.

A Copy---Teste:

TOP

Am. Series
no. 3 Spain Chex
J. R. Ely et al

To October Rules 1885-

Executed & delivery
and office Copy of
the within to J. R.
Ely & one to R. W. Gale
mond Oct 4 1885

S. H. Cuning
for R. J. Flaney
S. L. C.